

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Yuji YAMAZAKI, *et al.*  
Title: ANTIBODY AGAINST  
FIBROBLAST GROWTH  
FACTOR-23  
Appl. No.: 10/500,296  
Filing Date: 6/28/2004  
Examiner: Zachary S. Skelding  
Art Unit: 1644  
Confirmation Number: 7715

**RESPONSE TO RESTRICTION/SPECIES ELECTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**I. Response to Species Election**

In response to the species election requirement set forth in the Office Action mailed October 12, 2006, Applicants hereby provisionally elect (a) anti-FGF-23 antibodies that bind to amino acids 25-179 of SEQ ID NO: 1, for initial consideration on the merits. Claims 20-25 of the claims under examination read on the elected species.

Applicants believe that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species linked by the generic claim.

**II. Response to Interview Summary**

A teleconference was held between Examiner Zachary Skelding and Nikki Capitano of Foley & Lardner LLP on September 14, 2006 regarding the absence of file copies of the translation of JP2001-41689 and a reference listed in an IDS (Yuji YAMAZAKI et al., "Detection of Circulating FGF-23 by Monoclonal Antibodies Against Recombinant Human FGF-23", Journal of the American Society of Nephrology, (9/202), Vol. 13, (Program and Abstract Issue), pg. 499A.) Ms. Capitano informed Examiner Skelding that both documents were submitted in the prior filings.

In the Interview Summary appended to the October 12<sup>th</sup> office communication, the Examiner stated that the documents in question were "not submitted/not in IFW." Applicants submit a copy of the stamped post card receipt evidencing deposit of the translation of JP2001-41689 with the USPTO on July 12, 2006, as well as a copy of the initialed PTO/SB/08 form indicating that the missing reference was deposited with the USPTO and considered by the Examiner. Nevertheless, a courtesy copy of each of these document is concurrently submitted.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 CFR §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11/10/06

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